1929

# Department of Rev

OFFICE Board of Rev

STATION Madras

M. No. 631

55729

Dated 2 1.13.29

| | Date | Initial. |
|---|---|---|
| Given for copying | | |
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(SUBJECT.)

Assessment: Cr. rent (Bellary)

Bellary [illegible]

Messrs. Lachma Sait & Sons Appeal: [illegible]

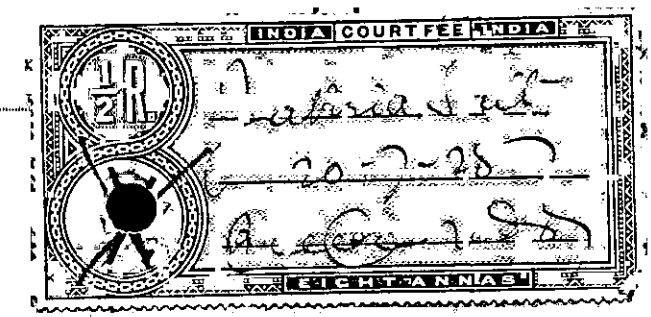
TELEGRAPHIC ADDRESS: "ZACKRIASAIT"

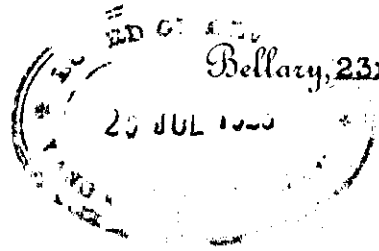
# ZACKRIA SAIT & SONS

GENERAL MERCHANTS, COMMISSION AGENTS, CONTRACTORS, GOVT. & PUBLIC AUCTIONEERS AND LAND-LORDS

144, FORT

No. ..... Bellary, 23rd. July 1928. 192 .



The Board Of Revenue,

M A D R A S.

Sir,

The humble petition of Messrs Zackria Sait & Sons., Owners of Land Next to Hanuman Temple, on the Western Trunk Road, Brucepett, Bellary sheweth as follows:-

That your petitioners purchased from the Bellary Muncipality, land next to the Hanumnan Temple, a vacant uninhabited site for a very high price of Rs.2825/- on the assurance that it was a Municipal site.

After purchase Quit Rent of Rs.57/1/- has been charged and is being paid by us regularaly.

On 13th. February 1928, we submitted to The Collector of Bellary, a petition in resepct to the above, copy of which is enclosed herein. Enc.1. The Collector's reply dated 5-6-28 is also herein enclosed for your kind perusal Enc.2.

Copy of letter received from the Chairman, Municipal Council, Bellary is also enclosed herein for your kind perusal Enc.3.

We, your petitioners, now most humbly beg to request you to kindly go into the question, and let us know at what rate the quit rent is being charged. And to kindly order the refund and the cancellation of the quit rent that has been charged.

-3-

Original Document dated 19th.March 1923,is also herein enclosed for your kind perusal.

Your humble petitioners request that you would kindly go into the question in detail for if you fail to redress their long standing grievence,they will have to seek justice from a Court of Law by proceeding against the Bellary Muncipality.

Thanking you in anticipation and await.

We beg to remain,

Sir,

Your most obedient servants,

Zackria Sait & Sons

Enc.1.Letter to the Collector Of Bellary
Enc.2.Letter from the Collector.
Enc.3.Chairman's Letter d/28/2/24
Enc.4.Original Document.

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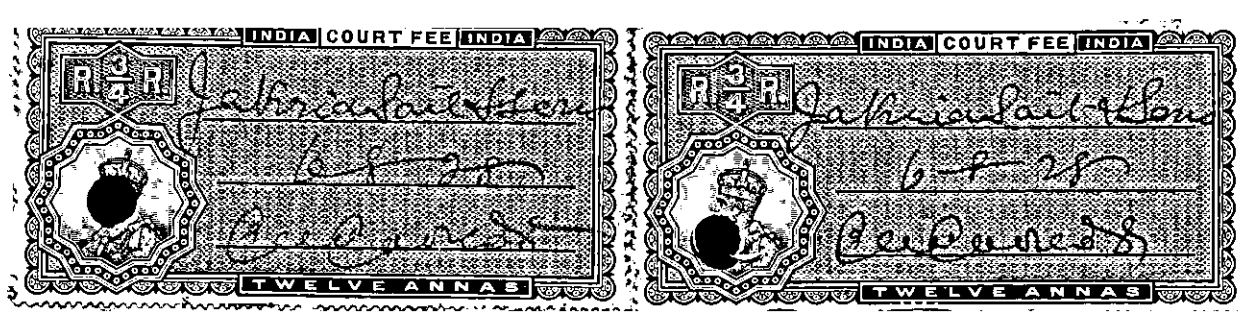

Endt : Bo 5020/28 dt 26.7.28

2. The petition should be signed and resubmitted with court fee labels of the value of Rs 12-8-0 (Rupees Twelve and annas eight only) for the petition and with a duly stamped and authenticated copy of the collector's order appealed against

To
Zackria Sait
& Sons
Mch, Fort,
Bellary Fort,
" Bellary
(By Regd. post)

Rr
257
26.7.28

V Koteshwar
26-7-28
Assistant Secretary

Board of Revenue (Land
Revenue & Settlement)

! Dis C No. 2711/28 A-3 Bellary Collector's office

Dated 5-6-28

Assessment - ground-rent - Bellary town - Site adjoining the Hanuman temple.

Petition of Messrs Zakria Sait and Sons, Bella dated 13-2-28

Bellary Revenue Divisional officers N Dis C No 371 dated 22-5-28.

## Endorsement

The petitioners are informed that the ground-rent levied under rules can neither be reduced nor refunded. The document produced by them is returned.

By order. Sd C. Balagurunatier

N. S/6-6-28 2/3 6/6 Assistant Sheristadar

To Messrs Zakriah Sait & Sons, Bellary with encl. Copy to the Rev. Dl. Officer, and the Tahr., Bellary

Ref: CP 256
4-3-24

From

Municipal Councillors' Office Bellary
Dated 28th February 1924

M.R. Ry. N. Narayana Rao Garu, B.A., B.L., F.M.U.,
Chairman, Municipal Council
Bellary

To

Messrs. Ebrahim Sait & Co.,
Bellary

Gentlemen

With reference to your letter of the 25th Feb 24, I have the honour to return herewith the registered Sale deed in respect of the vacant Site near Hanuman temple received with your letter of the 10th Feb 24 and to request that you will be so good as acknowledge the receipt of the same.

The Revenue divisional officer has been pointed out that it is a Municipal Site

I have the honour to be,
Gentlemen
your most obedient Servant
Sd Narayana Rao
Chairman M.C.

Sc 480/28

# Notice

Bellary Taluk office
Dated 8.3.28

Zakria Sait and Sons of Bellary Cowl Bazaar are requested produce the order of Revenue Dept. fixing the ground rent of Rs 57-1-0 on the Site to the South of Hanuman Temple, near the Rail. Level crossing purchased by them, from the municipality in 1923. The receipts for the amounts paid by him to the Government should also be produce within 7 days from the date of service of the notice failing which his petition will be dismissed

For Tahsildar

To
Zakria Sait and Sons
Cowl Bazaar Bellary

Bellary · 13th · February 1928.

The Collector of Bellary
Bellary

Sir

I, your petitioner humbly beg to submit as follows:—

A public Auction Sale of the Land Survey No. Nil situated on the South of the Hanuman Temple near the Railway Level Crossing, and the Road leading to the Railway Station being on the East of the said Land, was held on the 11th. June 1922 by The Chairman, Municipal Council, Bellary.

The then Chairman of the Municipal Council, Dewan Bahadur M. Gopalaswamy Moodaliar, on being questioned, gave me to understand that the site belonged. It was this assurance that made your petitioner to pay so high a price as Rs. 2805/- for a piece of vacant land On which were the remains of ruined huts and on which many unauthorized people Committed nuisance, and it was the breeding place for rats which Spread the Contagious disease.

After the purchase of the said vacant land I has to Spend a large amount of money in clearing away the site moreover that I might Construct a building Which would make the site decent and at the same time fetch rent. But when I received the Quit rent Bill for Rs. 47/11 I dispensed Construction as it would not pay to put up a building having such a high quit rent to pay. The Chairmanship has by this time passed on to the present Chairman, Mr. N. Narayana Rao, who has endorsed the same view as that of his predecessor in his reply to my letter dated the 25th. February. 1924. A copy of the letter from the Chairman, Municipal Council, no. C.P. 256/4/3/24 for your kind perusal. I entered into Correspondence in the matter for Sometime last [illegible]

the Subject as I was taken ill and the illness prolonged for a period of three years. I now therefore approached you with my petition and request that you will kindly order the Cancellation and refund of the quit rent already paid.

From the time I have purchased the land it is lying vacant, except that from last year I have let it to a fuel depot keeper and two petty shop people on a very small monthly rental. I have been suffering very heavy loss in the shape of interest on the outlay and quit rent.

Further there are Telegraph Poles on the land and I have several occasions both personally requested the Sub-Divisional Officer Telegrapho and the Telegraph Master and in writing to have the poles removed but to no purpose.

I have not been able to Construct any building on this site in Consideration of the high quit rent which I have been paying, and of the equally high cost of Labour and Materials and the equally low Scale of rents that could be derived and the low Value of buildings.

I therefore most respectfully pray that you would kindly enquire into the case and order that the quit rent might be Cancelled and the amount already paid be refunded, as it is Municipal Site under the Circumstances mentioned

For which act of K

Encl. Original Document
Dated 19th March 1923
and Copy of letter
received from Chairman
Municipal Council
M.U.

TELEGRAPHIC ADDRESS: "ZACKRIASAIT"

# ZACKRIA SAIT & SONS

GENERAL MERCHANTS, COMMISSION AGENTS,
CONTRACTORS, GOVT. & PUBLIC AUCTIONEERS AND LAND-LORI

144, FORT

No. ——— "III"

Bellary 14th August 1928

Resubmitted

1. Court fee stamps to the value of Rs 1/8 have been affixed to the 2nd Page.
2. The petition is returned duly signed
3. The Collector's Order, appealed against is Enclosed, in orginal.

Zackria Sait & Sons

I Dis C No. 2711/28 A-3 Bellary Collector's office,
Dated 5-6-28

Assessment- grounrent- Bellary town- site adjoining the Hanuman temple
Petition of Messrs Zakriah Sait and Sons, Bellary ated 19-2-28

Bellary Revenue Divisional officer's N Dis C No. 371 dated 22-5-28

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E n d o r s e m e n t

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The petitioners are informed that the ground-rent levied under rules can neither be reduced nor refunded. The document produced by them is returned.

By order.

Head Sheristadar

N.S/6-6-28 Huzur Sheristadar

To Messrs Zakriah Sait & Sons, Bellary with encl copy to the Rev Dl officer, and the Tahr., Bellary

C.F. 34.

**PROCEEDINGS** / **MEMORANDUM** OF THE Board of Revenue, Land Revenue and Sett.
Endorsement

*Post Box No.*_____ *Telegraphic Address*_____

*Name* The Hon'ble Mr. H.A.B.Vernon, I.C.S.,
Commissioner of Land Revenue.

Endt.B.5331/28 *No.*_____, *dated* 6th Septr. 192 8

*Short title*_

READ—the following :—
Petition from Zackria Sait and Sons, 144, Fort, Bellary, dated 23rd July 1928.

Endorsement

Assessment - Ground-rent (Bellary) Bellary Taluk and town - Messrs. Zackria Sait and Sons - Petition - Rejected.

As the petitioner has failed to furnish before 31-8-1928 the court fee label of the value of eight annas called for in Board's post card memo. dated 16-8-1928 his petitions dated 23-7-1928 and 14-8-1928 are hereby rejected

(Sd) N.Koil Pillai
Asst. Secretary.

To the petitioner with enclosures returned.

Messrs.Zackria Sait & Sons,
144, Fort, Bellary Town, Bellary.

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F o r w a r d e d.

By Order)
Ramachandra Rao.
Senior Superintendent.

m.p. 10-9-28

12.9.28

TELEGRAPHIC ADDRESS: "ZACKRIASAIT"

# ZACKRIA SAIT & SONS

GENERAL MERCHANTS, COMMISSION AGENTS, CONTRACTORS, GOVT. & PUBLIC AUCTIONEERS AND LAND-LORDS

144, FORT

No. Registered A.D. — 21 SEP 1928 — Bellary, 17th September 1928.

BOARD OF REVENUE LAND REV. & SETTLEMENT

The Board of Revenue.
Land Revenue & Settlement
Chepauk. Madras.

Reference our petition dated 26-7-28, and your endorsement dated 25-9-28 No B.5331/28, rejecting the petition for want of an Eight annas court fee label, required to be submitted before 31.8.28,

We beg to submit that the court fee label asked to be submitted in the above petition was submitted in our reply letter dated 18-8-28. This has been received in the office of the Collector in original. Since no fresh label has been received, we presume that you have not insisted upon the submission of a fresh label.

We shall feel grateful if you will kindly enquire into the matter.

We beg to be,
Sir,
Your most Obedient servants
Zackria Sait & Sons

P.S.
Stamp affixed to collectors order appealed against | 7805
p 104

Assessment / Current
~~Encroachment~~, ~~Land~~ ( Bellary
Bellary taluk ~~S.No~~ Lrim ~~village~~
~~S.No~~. Messrs Vaikunasah & Sons petition.

B.No.5999 / 1928---Q. p 18 c/

Reference No.B 5999/28-1 dated 24.9.28

Forwarded to the Collector
of Bellary for submission of
the records with remarks on any alle
gations in the petition which are no
clearly dealt with in the records.

To the Collector of Bellary
with petition and enclosures
(to be returned with reply)

21.9.28

Pl. see the Bd's Encl at p 17 c/
~~A~~ The petr. has furnished the c.f. tab
and in the circumstances stated
in his letter at p 18 c/. The pem.
may be entertained & report
called for.

C.F. 32.

Revenue. DEPARTMENT.

B6604

In ..., please quote number, date and short title.

20

*Received* ..... *Registered* .....

From (Name) E. Bennett Esquire I.C.S.,

(Designation) Collector of

Post Box ..... , (Station) Bellary.

*Telegraphic Address* .....

To The Secretary to the Commissioners

Land Revenue & Settlement,

Madras.

Ref.C. *No.* 5097/28-A3 *dated* 27th October 1928.

Sir,

Enclosures .....

.....

.....

Spare Copies .....

Assessment - ground rent - Bellary taluk and town Messrs Zackria Sait and Sons - petition.

Board's Refce. No.B.5999-28-1 dated 24-9-28.

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I enclose the marginally noted records for perusal and return.

1. Petition and the enclosures.
2. L.Dis.C.2711/28 dated 5-6-28.
3. D.Dis.C.2220/28 dated 14-5-24.
4. D.Dis.C.5303/21 dated 5-12-21.

The site referred to by the petitioner was one acquired by Government and handed over to the Municipality in 1924. The sa of the site to the petitioner was approved in G.O. No.2425 L & Mis. dated 6-12-22.

The ground rent of Rs.57-1-0 was fixed by the Collector under B.S.O. No.21 A with reference to the market valu..

29-10-28

K.A.R.29-10-28.

For Collector.

R. F. XXII-A-19.—22,004 · 1-2-28. (6)

**Subject.—**

**FOR MEMBER.**

Assessment: Gr. rent (Bellary)

ASC(R) Bellary tk & Coron Messrs. Zacha Sait & Sons.

READ AGAIN B. P. No. _____ dated _____ 192

" " " _____ , " _____ 192

READ ALSO :—

Register No. _____, From the B. 16004 — Q. No. P. 20 of dated _____ 192

" _____ " " _____ , " _____ " _____ 192

" " _____ " " _____ , " _____ " _____ 192

~~RESOLUTION.~~ Ref: B No. 5994/, dated 9. 11. 1928

10.12.28. despd

10.1.29 despd 10.12.

10.1

p.76. B.S.O. vol I

p.7 of (Y)

The attention of the Col is invited to note 4 to para 1 of B.S.O. no. 24 and also to para 2 of G.O. no. 1060 R. Dt. 12.8.1911. He is requested to report whether the condition subject to which the site in question was sold includes payment of groundrent or no such condition is found in the sale deed.

He is also requested to report how the site was dealt before assgn. whether any rent or groundrent was collected for

work before acqn. and after
acqn. till the disposal to the
Govt. at appellant. and for
& at whose cost
what purpose & the site map
acquired

The failure to fisc gravedent
before the sale should also
be explained

9.11.28

The
7/11
8.11.28.

To the Collr. of Bellary

9/11/11

C.F. 32

In reply, please quote number, date and short title.

DEPARTMENT.

Received 2- FEB 1929 Registered B543

From (Name) L. Bennet Esquire I.C.S.,

(Designation) Collector of

Post Box....., (Station) B e l l a r y.

*Telegraphic Address*.....

To The Secretary to the Commissioners

Land Revenue Settlement,

M a d r a s.

Ref. G. No. 3027/23, dated 31st January 1929

Sir,

Enclosures.....

.....

.....

Spare Copies.....

~~Assignment~~ - ground rent - Bellary [illegible] and town - Messrs. ~~Xxxx~~ Zackria Sait & Sons.

Board's Ref. No.L.5999/28-2 dated 9-11-28.

The Chairman, Municipal Council says that the conditions referred to was not included in the sale notice and that he cannot explain why it was omitted, as the sale took place on 11-6-22 long before he took charge of the office. He further says that the condition was perhaps implied in the sale as such payments are customary and that the purchaser was never informed that the sale was free from ground rent. Copy of his letter is enclosed.

The site in question was acquired at a cost of Rs.1610 in 1912 for the removal of congestion in the Bellary Municipality at the cost of the Municipality. The acquisition was sanctioned in G.O. No.497 M.R. dated 4-9-12 and notified in Part I A of the Ft. St. George Gazette dated 10-9-12 at page 474. Prior to the acquisition there were shops and old houses on the site, which was classed as village site. As it ~~xxxxx~~ formed the old village site, no assessment or groundrent was collected. The ground rent was levied for the first time when the site was resold to the petitioner by the Municipality.

A.R.1-2-29.

for Collector.

**Subject.—2**

R. F. XXII-A-19.—22,004—1-2-28. (S

**FOR MEMBER.**

Assessment: Ar-rear (Bellary)
Bellary tk. & town. Messrs. Zacker Sait & Sons.

HOLD 1/

READ AGAIN B. P. No. _____ dated _____ 192 .

" " " _____ , " _____ 192 .

READ ALSO :—

Register No. _____, From the B563-Q, No. P26Cf, dated _____ 192

_____ " " " _____, " _____, " _____ 192

" " _____ " " " _____, " _____, " _____ 192

~~RESOLUTION.~~ Ref: B No. 5-999/28-3, dated 4. 2. 192

Issue urgently.
4.2.29

P26Cf

The chairman's letter referred to in para 1 of the collr's letter has not been received. The collr. is requested to submit it immediately.
4. 2. 29

DESPATCHED
F.B 1929

To the collr. of Bellary

4.2.29

2/2
2.2.29

C.F. 32

In reply, please quote number, date and short title.

.....DEPARTMENT.

*Received* 8 FEB 1929 LAND REV & SETTLEMENT *Registered* B/643

28

From (Name) E. Bennett Esqr. I.C.S.,

(Designation Collector of

Post Box ..... (Station) Bellary.

*Telegraphic Address*.....

To The Secretary to the Commissioners

Land Revenue & Settlement,

Madras.

Ref. C.*No.* 5097/28-~~Dated~~ 6th Feb. 1929.

Sir,

Assessment - ground rent - Bellary Taluk and town - Messrs. Zackria Sait and sons.

Enclosures.....

.....

.....pgs of

Spare Copies.....

Board's Ref. B-5999/28-3 dated 4-2-29.

Copy of the Chairman's letter is enclosed.

K.R.R.7-2-29.

7-2-29

For Collector.

Copy of letter Dis. No.1552 dated 28th November 1928 from the Chairman, Municipal Council, Bellary.

Ref:- Your Ref. 5097/28-A-3. of 21-11-1928.

Assessment - Ground rent Bellary town - Zackriah & Sait & Sons.

The fact remains that the condition referred to was not included in the sale notice. The sale took place on 11-6-22 long before I took charge of the Chairmanship.

2. I cannot explain why the condition referred to was omitted. It may perhaps have been impliedly understood that whoever purchases the property will always be subject to the payment of ground rent or assessment, as such payments always run with the land. Further the purchaser was never informed that the sale was free from such burdens.

True copy

For Collector

C.F.

DESPATCHED
7-FEB 1929

R. F. XXII-A-19.—22,004—1-2-29. (S)

**Subject.—**

**FOR MEMBER.**

Assessment: Cr. rent (Bellary)

Bellary tk. + Cowrs. Messrs Zackria Saib & Sons. Appeal. Orders passed

READ AGAIN B. P. No. _____ dated _____ 192

" " " _____ , " _____ 192

READ ALSO :—

Register No. _____, From the B 5999 — Q, No. p 18 cf, dated _____ 192

" " _____ " " " B 6604 } _____, " p 20 cf " _____ 192

" " _____ " " " B 543 } Q to Collr p 26 cf
B 643 } B to petr.
_____, " p 28 cf " _____ 192

RESOLUTION. (Mis) No. 631, dated 1. 3. 1929.

The Board considers that in the special circumstances of the case ground rent should be reduced to Rs 6-4-0 an acre with effect from the current fasli. Gr. rent already recovered from the party need not be refunded as the latter failed to open the question in time

2. The collr. is requested to draw the attention of the chairman. M. council to the fact that ground rents have been fixed before land was sold

30

3. The petr is referred to the collector for orders on the petition read above

L
1.3.29.

Rs
2/3
28.2.29.

To the Collr. of Bellary

with records as per list
x date 2 to 4 on
p 20 of the
copies

x petr para 3 with a
document (Regd post)

x Messrs. Jaeria Saib Sons
14th, Fort. Bellary
Bellary

Assessment: Ar. rent (Bellary)

Bellary

Mr. & Town: Messrs. Zacria Sait & Sons

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G.O. no. 1060 R. T. 12.8.11 (Y)

B.P. 3123 Rt. T. 6.8.23 (K)

" 590 Rt. T. 2.2.26 (D)

B. 6331 pp 1-2 cf

6604 p 20 cf

563 p 26 cf

643 p 28 cf

To R.S.

The petr. purchased in auction a site belonging to the Mt. council Bellary The site was free from assd. or gr. rent till it was sold to the petr. as it was (free from assd.) part of the village site, before it was acqd. by the Mt. council and as immunity before acqn. should ordinarily continue after acqn. u B.S.O. no. 21-A The sale of land to the petr. was not subject to the payment of ground rent. pl. see the deed at pp 12-16 cf and the coll. at p 26 cf

2. under note 4 to para 12 no. 24. where any land belonging to local body is transferred, transferee is liable to pay

which should be determined in accordance with the principles laid down in B.S.O. No. 21-A. As agn. puts an end to the old tenure, and as the land is put for building, ground rent is leviable on the land. Gr. rent should have been fixed before the site was sold But the Mk. council seems to have ignored the specific instructions in para 2 of (Y) The situation now is that the Mk. council has realised the freehold value of the land and the petr. now objects to the imposition of gr. rent. If the Bd. does not redress his grievance the petr states that he will have to proceed against the Mk. council.

3. Gr. rent was levied in 1924. and the petr paid the gr. rent till 1928. If he had any grievance he should have raised the question even in 1924. But this delay is explained by him as due to the following reasons.

4. On merits the petr. seems to have a case. The ground rent proposal at p. 17 of (F) shows that the freehold value of the land was only Rs 1534-6. whereas the petr paid Rs 2825. This is double the freehold value of the

land and any imposition of ground rent seems to be unjustifiable

5. In a different case where ground rent had to be fixed after the sale Court ordered that the rate of ground rent should be based upon the difference between the present estimated value and the value recovered from the purchasers. The Bd ordered that where the sale price exceeded the freehold value the minimum rate of ground rent should be levied as the sale was subject to the payment of ground rent. In the present case the sale was not subject to ground rent and the sale price is more than the freehold value of the site.

Ground rent now leviable is Rs6-4-0 an acre and the excess over Rs6-4-0 is credited to the Mc. councils. It appears that ground rent in the present case may be reduced to Rs6-4-0 an acre. Govt will not lose anything and the Mc. council will lose the excess of ground rent over Rs6-4-0 an acre and it is but legitimate that the council which realised more than the freehold

may be reduced to Rs6-4-0 an acre with effect from the current fasli

value of the land should now pay for it. The petn. also is likely to be satisfied if grant is reduced to Rs 6-4-0 an acre.

Ex rent already recovered from the party need not be refunded as he failed to open the question in time

L
25.2.
DLW

VEDAM
15/2
15.2.29.

For orders

To Sec^y. The Coll^r may be asked to draw the attention of the Chairman to the fact that grounds that have been fixed before the law was passed

L
25.2.29

DLW
25/2

To A.S (LR)

Draft submd

Th
28/2
28.2.29.

L
1.3.29

Miscellaneous No. 631, dated 1st March 29

List of Records

1. L.Dis.C. 2711/28 dated 5-6-28
2. D.Dis.C. 2220/28 dated 14-5-24
3. D.Dis.C. 5303/21 dated 5-12-21

Reference 5097/28 A 3 -3-29

Received

8/3/29